IN THE DRAWINGS:

Please amend Figures 1-3 as shown on the Replacement Sheets included in Appendix A to include labels for the numbered blocks in the figures.

<u>REMARKS</u>

Claims 1-21 were examined by the Office, and all claims are rejected. With this response claims 1-21 are cancelled, and claims 22-51 are added. All new claims are fully supported by the specification as originally filed. Claims 22-42 correspond to claims 1-21 as originally filed. Claims 43-47 correspond to claims 1 and 18-21. Claims 48-51 correspond to claims 1 and 19-21 including the limitations of claim 6 and features disclosed on page 8, lines 11-19.

Applicant respectfully requests withdrawal of the objections and rejections in view of the following discussion.

<u>Drawings</u>

In section 1, on page 1 of the Office Action, the drawings are objected to because there are no labels for the numbered blocks in the drawings. With this response applicant submits Replacement Sheets for Figures 1-3 included in Appendix A showing labels for the numbered blocks in the drawings. No new matter is added.

Figure 1 is amended to include the label "User Database" for blocks 8 and 12. See specification page 15, lines 1-3. Figure 1 is further amended to include the label "Migration Tool" for blocks 10 and 14. See specification page 15, lines 1-3. Figure 1 is also amended to include the label "Data Converter" for block 6. See specification page 14, lines 29-30.

Figure 2 is amended to include the label "User Database" for blocks 8 and 12. See specification page 16, lines 6-8. Figure 2 is further amended to include the label "Migration Tool" for block 18. See specification page 16, lines 15-18. Figure 2 is also amended to include the label "Collector Tool" for block 20. See specification page 16, lines 15-21.

Figure 3 is amended to include the label "User Database" for blocks 8 and 12. See specification page 17, lines 26-27. Figure 3 is further amended to include the label "Destination Device API" for block 24. See specification page 17, line 32. Figure 3 is further amended to include the label "Source Device API" for block 26. See specification page 18, line 1. Figure 3 is further amended to include the label "Online Data Repository" for block 22a, and "Offline Data Repository" for block 22b. See specification page 17, lines 30-32. Figure 3 is further amended to include the label "Start Module" for block 18a, "Core Module" for block 18b, and "Reading Module" for block 18c. See specification page 17, lines 27-30. Figure 3 is further

amended to include the label "Collector Tool" for block 20. See specification page 17, lines 26-27.

Specification

On page 3 of the Office Action the Abstract is objected to due to use of the word "means." With this response the Abstract is amended to remove usage of "means." No new matter is added.

Claim Rejections Under § 112

In section 3, on page 3 of the Office Action, claim 7 is rejected under 35 U.S.C. § 112, second paragraph as indefinite. New claim 28 corresponds to claim 7, and recites "capability information" instead of "capability object." Support for "capability information" can be found at least from page 19, lines 2-5 of the specification. Therefore, applicant respectfully submits that new claim 28 is definite in view of the clarification regarding capability information.

Claim Rejections Under § 102 and New Claims 22-51

In section 4, on page 4 of the Office Action, claims 1-21 are rejected under 35 U.S.C. § 102(e) as anticipated by Frouin (U.S. Patent No. 6,891,797). As stated above, new claim 22 contains limitations similar to those recited in claim 1, and therefore the rejection of claim 1 will be addressed with respect to claim 22. Applicant respectfully submits that new independent claim 22 is not disclosed or suggested by Frouin, because Frouin fails to disclose or suggest all of the limitations recited in claim 22. Frouin at least fails to disclose or suggest transferring a data collector from a destination communication device to a source communication device, collecting data to be transferred from the source communication device to the destination communication device using the data collector, and transferring the collected data from the source communication device to the destination communication device using the data collector, as recited in claim 22.

Embodiments of the present invention relate to transferring data from a source communication device, for example a cellular mobile phone, to a destination communication device, for example also a cellular mobile phone. Information stored on a mobile communication device, such as contact data, message data, calendar entries, bookmarks, Internet

- 13 -

Access point settings, system settings, applications, and the like, may be transferred from one mobile phone to another mobile phone. Systems allowing for the transfer of such data generally require a computer in between the mobile phones. The computer operates as translator by downloading from one mobile phone the required data, translating this data into a format readable by the other mobile phone, and uploading the data onto the mobile phone. The disadvantages of such systems are that the user has to select, which data is to be migrated, which type of device is a source communication device, and which type of device is a destination communication device. Therefore, there is a need to further automate data migration, which is addressed by the present invention.

In contrast to claim 22, Frouin relates to a communication system for communication on a network that includes communication devices performing communications in a connected mode or in a non-connected mode. In particular, Frouin applies to asynchronous packet switched networks, making it possible to interconnect a small number of items of multimedia equipment, and provide different service qualities for exchanging data. See Frouin column 1, lines 10-14. Asynchronous packet switching, as discussed in Frouin, may be described in the standard IEEE-P1355, and is based on switching technology with low implementation cost with regard to the switch. The switch uses only a minimum of resources for effecting the switching of a packet from an input port to an output port. The transfer of packets through the switch takes place as soon as the switch has knowledge of the switching information of said packet without awaiting complete reception of all the packet data. See Frouin column 3, lines 19-29.

In Frouin, in order to establish the communication, the source communication device, which intends to send data on a communication path, transmits to each communication device placed on the path, which communication device may be regarded as destination communication device, an item of information representing the passband necessary for the connection. Upon reception of this item, the communication devices on the path determine the availability of the link leading to the following communication device on the path and, in the event of unavailability, transmit to the source communication device an item of information representing the unavailability of said path. See Frouin column 5, lines 13-25. Therefore, the source communication device sends an item to the destination communication device, upon which the destination communication device determines the availability of the link leading to the following communication device and transmits this information to the source communication device.

However, Frouin does not disclose or suggest transferring a <u>data collector</u> from a destination communication device to a source communication device, as recited in claim 22. Frouin only discloses transmitting <u>items of data</u> in connected mode or in non-connected mode. In non-connected mode, the availability of a path on said network is estimated and when a path is deemed to be available for transmission of data, the data is transmitted on the path in non-connected mode is done. However, transferring a data collector from the destination communication device to the source communication device, as recited in claim 22 is not the equivalent to transferring data. The term "data collector" as recited in claim 22 refers to a program, which may be transferred from the destination communication device to the source communication device. For example, this program may be a java applet or a java application, and may be installed on the communication device. Once installed, the data collector is programmed to collect data on the source communication device. For example, this data may be calendar entries, contacts, messages, settings, and other information regarding the source communication device. The data collector allows transferring the collected data from the source communication device to the destination communication device.

Therefore, in contrast to Frouin, transmitting a <u>data collector</u> is transmitting an active program, which actively collects data on the source communication device. A data collector is, according to the invention, not a mere message, which is sent from the destination communication device to the source communication device, where upon reception of this message within the source communication device a certain operation is triggered. In contrast, the data collector itself operates on the source communication device and collects data.

Furthermore, the transmission of a request to establish a connection is not the transmission of a data collector, as recited in claim 22. See Frouin column 13, line 57—column 14, line 19; column 14, lines 49-67. The transmission of the request to establish a connection, as discussed in Frouin, is the sending of a mere message. In addition, when the destination communication device is capable of sending the connection requested by the source communication device, it transmits to the source communication device a connection acceptance. The connection acceptance is, however, a mere message send from the destination communication device to the source communication device, and not data collected from the source communication device, as recited in claim 22. When the connection acceptance is received on the source communication device, the source communication device sends an item of

information representing the establishment of the connection. Therefore, the connection acceptance as such is not a data collector as recited in claim 22. In addition, when the destination communication device may not establish the connection, an item of information representing the impossibility of setting up the connection is sent to the source communication device. This item is not a data collector as recited in claim 22.

Furthermore, as can be seen from Figure 3 and the flowcharts of Figures 4-8 of Frouin, only messages are exchanged between the source communication device and the destination communication device. See also Frouin column 19, lines 45-67. Therefore, contrary to the assertions of the Office Frouin fails to disclose or suggest transferring a data collector from the destination communication device to the source communication device as recited in claim 22. Instead, Frouin only discloses the transfer of message, which are not data collectors as recited in claim 22.

Furthermore, Frouin also fails to disclose or suggest collecting data to be transferred from the source communication device to the destination communication device using the data collector, as recited in claim 22. In claim 22, the data collector itself collects data to be transferred from the source communication device to the destination communication device. Thus, after being sent from the destination communication device to the source communication device the data collector actively collects data on the source communication device to be transmitted to the destination communication device. In addition, Frouin also necessarily fails to disclose or suggest transferring the collected data using the data collector, as recited in claim 22. In contrast, Frouin discloses that the communication devices store a load table, with information relating to the network load. This load table is, however, not the data collected from the source communication device using the data collector, and therefore this load table is not collected data that is transferred using the data collector, as recited in claim 22. For at least the reasons discussed above, Frouin fails to disclose or suggest all of the limitations recited in claim 22, and claim 22 is patentable over Frouin.

Independent claims 39-47 contain limitations similar to those recited in claim 22, and therefore for at least the reasons discussed above in relation to claim 22 are not disclosed or suggested by Frouin.

Claims 23-38 ultimately depend from claim 22, and therefore are not disclosed or suggested by Frouin at least in view of their dependencies.

New independent claims 48-51 contain limitations similar to those recited in claim 22, and therefore for at least the reasons discussed above in relation to claim 22, are not disclosed or suggested by Frouin. Furthermore, claims 48-51 also recite identifying a source communication device with a migration tool of a destination communication device after establishing the data connection between the source communication device and the destination communication device, and selecting a data collector depending on the identified source communication device. Frouin at least fails to disclose or suggest that the source communication device is identified with a migration tool of the destination communication device after establishing the data connection between the source communication device and the destination communication device. In the terms of the Frouin reference, the communication devices receiving a request to establish a connection from the source communication device, would have to be able to identify the source communication device sending the message requesting the establishment of a connection and selecting a data collector depending on the identified source communication device. In contrast, the destination communication device according to Frouin only sends a connection acceptance and an operation of confirming the establishment of said connection. These messages do not allow identifying the source communication device and also selecting a data collector depending on the identified source communication device. For this reason in addition to those discussed above in relation to claim 22, new claims 48-51 are new and inventive over the Frouin reference.

Conclusion

For all of the foregoing reasons, it is respectfully submitted that the present application as is in condition for allowance, and such action is earnestly solicited. The undersign hereby authorizes the Commissioner to charge deposit account 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Dated: _21 June 2007_

Keith R. Obert
Attorney for Applicant
Registration No. 58,051

WARE, FRESSOLA, VAN DER SLUYS
    & ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955

APPENDIX A